

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

WILLIAM BEVERLY HODGES )  
Plaintiff, ) Civil Action No. 7:17-cv-00429  
 )  
v. )  
 ) By: Elizabeth K. Dillon  
DAN SMITH, *et al.*, ) United States District Judge  
Defendants. )

**ORDER**

In accordance with the memorandum opinion entered this day, it is hereby ORDERED that Hodges' complaint is DISMISSED without prejudice and the Clerk shall TERMINATE this action from the active docket of the court. The court notes that its dismissal of Hodges' complaint is without prejudice to his opportunity to refile his claims, if he believes them to be different from those raised in Civil Action No. 7:17cv00396, in a separate civil action subject to the applicable limitations period.

The Clerk is directed to provide a copy of this order and the memorandum opinion to Hodges.

Entered: March 5, 2018.

*/s/ Elizabeth K. Dillon*  
Elizabeth K. Dillon  
United States District Judge